

IN RE: CASE NO. 05-41972

Debtor

Plaintiff

VS.

Defendant

PROC. NO. 06-4006

At Fort Wayne, Indiana, on May 4, 2006.

Pursuant to Bankruptcy Rule 7004(f), a summons must be served within ten (10) days of the date it was issued. If this is not done, service is defective. In re Cappuccilli, 193 B.R. 483, 486-87 (Bankr. N.D. Ill. 1996); In re Campbell, 105 B.R. 19 (9th Cir. B.A.P. 1989); In re Tuzzolino, 71 B.R. 231, 233 (Bankr. N.D. N.Y. 1986). Here, the summons was issued on January 23, 2006, but was not served until March 17, 2006. By that time, the summons had expired. Plaintiff's motion for default judgment is, therefore, DENIED.

SO ORDERED.

/s/ Robert E. Grant
Judge, United States Bankruptcy Court